No. 01-1375

OCT 9 2002

CLERK

IN THE

Supreme Court of the United States

UNITED STATES OF AMERICA,
Petitioner,

v.

NAVAJO NATION,
Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Federal Circuit

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BRIEF FOR *AMICUS CURIAE* MISSISSIPPI BAND OF CHOCTAW INDIANS IN SUPPORT OF THE NAVAJO NATION

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BRIEF FOR *AMICUS CURIAE* MISSISSIPPI BAND OF CHOCTAW INDIANS

INTEREST OF *AMICUS CURIAE*

Amicus Mississippi Band of Choctaw Indians (the "Tribe") is a federally recognized Indian tribe located in the State of Mississippi. See *United States v. John*, 437 U.S. 634 (1978); *Mississippi Band of Choctaw Indians v. Holyfield*, 490 U.S. 30 (1989). The United States supervises the Tribe's trust assets including timber. The Tribe has a significant stake in the outcome of this case, which will address the issue of when the United States is liable for monetary damages for the mismanagement of tribal trust assets.*

* No counsel for a party authored this brief in whole or part and no person other than *amicus* made a monetary contribution to the preparation or submission of this brief, except that *amicus* Native American Rights Fund contracted for the research embodied in the Appendix.

ARGUMENT

The Government's Concern About Excessive Awards is Misplaced

In its petition for certiorari, the Government referred four times to the amount of the Tribe's claim for damages ($600 million)—once in the "Question Presented" (Br. page i), once in passing (Br. 9), once in the first sentence of the section "Reasons for Granting the Petition" (Br. 13), and once in the second sentence of the section "The Court of Appeals' Decision Could Have Serious Adverse Consequences for the Government" (Br. 27). And three more times in its 3-page Reply to the Opposition to Certiorari. Of course, the figure of $600 million is the amount claimed, not the amount that might be awarded in the event the case is permitted to go forward to trial in a court not noted for its generosity.

In its petition, the Government said,

> "The decision below will encourage the filing of damage claims against the United States for breach of trust . . . . At a minimum, such a development will subject the United States to costly litigation . . . ." (Br. 27).

That is not a legal argument, but in any event the Government's concern is misplaced. The decision below made no new law, and so we wondered what was the record of the Court of Federal Claims based on the old law (*i.e.* Mitchell II), in the 19 years since Mitchell II was decided. For the benefit of the Court, we arranged for an independent professional researcher to identify all Indian cases disposed of by the U.S. Court of Federal Claims under the Tucker Act (28 U.S.C. § 1491) or Indian Tucker Act (28 U.S.C. § 1505), where the disposition of the case took place after the Mitchell II decision in June, 1983. Cases brought under the Indian Claims Commission Act of 1946 (25 U.S.C. §§ 70-70v, now repealed), or other special acts, where the Mitchell II decision was unlikely to be relevant, were omitted.

The results of the study were striking. The researcher found 108 Indian claims under the Tucker Act or Indian Tucker Act that have been finally disposed of by that court since June 1983 (or are on appeal). See Appendix attached. Nearly two-thirds of these cases (71) were dismissed without award. Plaintiffs received damages awards in only 37 cases, and only 11 of those 37 were awarded more than $1 million. The other 26 awards averaged only $120,000.

The 11 awards greater than $1,000,000 are as follows:

	Filed	Final Order	Award
1. Jessie Short et al., a group of Yuroks claiming shares in the Hoopa Reservation timber income. (Basic liability decided prior to Mitchell)	1963	1993	$52,360,000
2. Helen Michell & Other Indian allottees and the Quinault Tribe—timber mismanagement (the Mitchell II plaintiffs)	1971	1989	$26,600,000
3. Warm Springs Tribe—timber mismanagement (now on appeal)	1960	2002	$13,805,605
4. Navajo Nation—trust funds	1969	2002	$7,000,000
5. Navajo Nation—trust funds	1983	1987	$6,000,000
6. Mescalero Apache—timber mismanagement	1992	2002	$6,000,000
7. Assiniboine/Sioux Tribes—trust funds	1987	1999	$4,438,770
8. Navajo Nation—coal royalties	1995	1997	$3,572,000
9. Toohey, Delra—oil & gas leases	1987	1990	$3,000,000
10. Mescalero Apache—timber mismanagement	1979	1984	$1,646,500
11. Cheyenne Arapaho—oil & gas leases	1987	1998	$1,100,000

For additional studies of how Indian tribes have fared in federal courts (including this Court), see Nell Jessup Newton, *Indian Claims in the Court of the Conqueror*, 41 Am. U. L. Rev. 753, 790 (1992) ("despite the promise of Mitchell II, Indian tribes have been remarkably unsuccessful in breach of trust claims in the Claims Court and the Federal Circuit"); Stephen Paul McSloy, *Revisiting the "Courts of the Conqueror"; American Indian Claims against the United States*, 41 Fed. Bar News & J. 552, 556 (1994) (from the Indian point of view "[t]he recent interpretations of the boundaries of the federal government's trust relationship and its consequent trust responsibilities under the Mitchell (II) standard have not been promising."); David H. Getches, *Beyond Indian Law: The Rehnquist Court's Pursuit of States' Rights, Color-Blind Justice and Mainstream Values*, 86 Minn. L. Rev. 267, 280-81 (2001) ("Tribal interests have lost about . . . 82% of the cases decided by the Supreme Court in the last ten years. This dismal track record stands in contrast to the record tribal interests chalked up in the Burger years, when they won 58% of their Supreme Court cases.")

In Indian breach of trust cases under the Tucker Act or Indian Tucker Act, the basic issue is justice, and that means restoring the trust corpus if the Government's misconduct has imprudently depleted it. That is old law, Mitchell II, 463 U.S. at 227, which the Government has not suggested be overruled. As is apparent from the Appendix, the Government's fear that Mitchell II has led or will lead to a flood of excessive awards is not borne out by the facts.

CONCLUSION

The judgment should be affirmed.

Respectfully submitted,

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Disposition (Final or Tentative) by the U.S. Court of Federal Claims, October 29, 1992 - August 23, And Its Predecessor Court, the U.S. Claims Court, June 27, 1983 - October 28, 1992, Of Suits Involving Identifiable Native American Entities and Individuals, Brought under Title 28 U.S.C. § 1491 (General Claims) or § 1505 (Indian Claims), Excepting Tax-Refund, Civilian-Pay, or Military-Pay Suits, or Claims for Attorneys' Fees, Arranged by Date of Entry by the Court of the Judgment or of the Voluntary Dismissal

[Defending Agency Assumed to be U.S. Department of the Interior Unless Otherwise Noted]

Researched and Compiled by

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September 5, 2002

ENTRY	CASE #	[AGENCY]; MATTER	DISPOSITION	AWARD
07/26/83	82-484	Alamo Navajo School Board; Contract for Operation of School	Dismissed by Parties.	
09/19/83	82-686	Chinook; Taking of Hunting and Fishing Rights	Dismissed by Plaintiffs	
12/28/83	80-664	Cape Fox Corp. [USDA]; Compensation under Timber Sale Contract	Dismissed by Court, 4 Cl.Ct. 223, 12/27/83; Dismissed, Federal Circuit Mandate, 06/27/84.	
02/07/84	67-134	Menominee; Land Taking by Deed Restrictions	Mandated Dismissal, 726 F.2d 712, 12/30/83; Cert. Denied, 469 US 826, 10/01/84.	
02/28/84	67-134	Menominee; Management of Forest Resources	Mandated Dismissal, 726 F.2d 718, 01/24/84; Cert. Denied, 469 US 826, 10/01/84.	
04/10/84	70-343	Te-Moak Western Shoshone; Management of Judgment Funds	Dismissed by Court, 5 Cl.Ct. 79, 04/10/84.	
08/28/84	79-089	Mescalero Apache; Management of Tribal Timber Resources	Stipulated Settlement.	$1,646,500
09/11/84	84-010	Fort Mojave;	Stipulated Settlement.	$69,000
11/16/84	67-134	Menominee; Management of Mill, Power-Line Rights-of-Way, and Water and Sewage Facilities	Mandated Dismissal, Federal Circuit, 11/16/84.	

ENTRY	CASE #	[AGENCY]; MATTER	DISPOSITION	AWARD
01/07/85	67-134	Menominee; Management of Tribal Funds	Dismissed by Court.	
03/14/85	81-500	Fort Belknap; Failure to Enter Lease Agreement	Dismissed by Court, 7 Cl.Ct. 601, 03/14/85.	
06/04/85	71-870	Hoopa Valley; Management of Properties	Dismissed by Parties.	
06/11/85	84-630	Manchester Pomo;	Stipulated Settlement.	$8,114 + Interest
12/10/85	84-597	Jones, Vera; Representation in Earlier Legal Proceeding	Dismissed by Court, 9 Cl.Ct. 292, 12/09/85; Affirmed, 801 F.2d 1334, 09/23/86; Cert. Denied, 481 US 1013, 04/20/87.	
12/30/85	85-521	Temple, Dorothy;	Dismissed by Court; Affirmed, 795 F.2d 1018, 06/12/86.	
02/25/86	82-582	LaMear, Jennie; Approval of Land Exchange	Dismissed by Court, 9 Cl.Ct. 562, 02/25/86; Affirmed, 809 F.2d 789, 11/17/86.	
10/02/86	85-221	Northern Cheyenne; Maintenance and Repair of School	Dismissed by Parties.	
11/04/86	85-053	Pawnee, Freeman; Method of Valuing Oil and Gas Sold	Dismissed by Court; Affirmed, 830 F.2d 187, 09/28/87; Cert. Denied, 486 US 1032, 05/31/88.	

ENTRY	CASE #	[AGENCY]; MATTER	DISPOSITION	AWARD
01/13/87	69-256 70-377	Navajo; Management of Trust-Fund Accounts	Stipulated Settlement.	$7,000,000
01/13/87	83-588	Navajo; Management of Reservation's Revenues	Stipulated Settlement.	$6,000,000
05/29/87	84-203	Northern Indian Housing [HUD]; Treatment of Paid Insurance Premiums	Dismissed by Court, 12 Cl.Ct. 417, 05/28/87.	
08/10/87	85-268 85-335	Begay, Joe; Hopi Relocation, Settlement Act of 1974	Dismissed by Court, 16 Cl.Ct. 107, 08/07/87; Affirmed, 865 F.2d 230, 12/05/88.	
11/27/87	87-490	Benally, Truman; "Bad Man" Clause in Treaty	Dismissed by Court, 14 Cl.Ct. 8, 11/25/87.	
04/15/88	86-059	Totus, Watson;	Dismissed by Court.	
08/30/88	87-405	Chippewa-Cree;	Dismissed by Court.	
08/30/88	87-626	Billy, Melvin;	Dismissed by Court.	
09/26/88	86-557	Hopland Pomo; Termination of Rancheria and of Tribe	Mandated Dismissal, 855 F.2d 1573, 08/30/88.	
10/27/88	82-035	Tule River; Management of Trust Funds and Timber	Dismissed by Parties.	
12/05/88	87-436	Vielle, Leon;	Dismissed by Parties.	

ENTRY	CASE #	[AGENCY]; MATTER	DISPOSITION	AWARD
12/23/88	87-071	Eastern Cherokee; Funding of Tribe's School	Dismissed by Court, 16 Cl.Ct. 75, 12/23/88.	
08/29/89	71-772- 71-775	Mitchell, Helen and Other Quinault Allottees; Management of Logging Contracts and Land Matters	Stipulated Settlement.	$26,600,000
10/18/89	84-518	Tsosie, Venita; "Bad Man" Clause in Treaty	Stipulated Settlement.	$16,500
10/31/89	88-330	Ute	Dismissed by Court.	
01/12/90	87-752	Enos, Frank.;	Stipulated Settlement.	$39,139
03/05/90	86-805	Hosteen, Lewis;	Dismissed by Court.	
06/14/90	90-0037	Tunica-Biloxi; Taking of Tribal Lands, 1800-1840	Dismissed by Court; Affirmed, 935 F.2d 280, 05/17/91; Cert. Denied, 502 US 868, 10/07/91.	
06/15/90	87-422 87-429	Toohey, Delra; Management of Oil and Gas Leases	Stipulated Settlement	$3,000,000
06/29/90	87-437	Cochran, Lyle [Fort Belknap, 3rd-Party]; Taking of Gravel from Mineral Estate	Stipulated Settlement.	$50,000

ENTRY	CASE #	[AGENCY]; MATTER	DISPOSITION	AWARD
08/09/90	84-588	Grey, Herman; Irrigation Water for Individual Allotments (Case Related to 89-205)	Dismissed by Court, 21 Cl.Ct. 285, 08/09/90; Affirmed, 935 F.2d 281,/05/24/91; Cert. Denied, 502 US 1057, 01/21/92.	
08/13/90	89-205	Abel, Carlton; Irrigation Water for Individual Allotments (Case Related to 84-588)	Dismissed by Court Following Decision in Grey, 08/09/90, Cited Above; Affirmed, 935 F.2d 281, 05/24/91; Cert. Denied, 502 US 1057, 01/21/92.	
11/07/90	88-031	Assiniboine and Sioux; Management of Tribal Oil and Gas Leases	Stipulated Settlement.	$137,737 + Interest
11/07/90	88-031	Youngbull, Iona; Management of Tribal Oil and Gas Leases	Dismissed by Individual Plaintiffs.	
12/07/90	89-418	Rosebud Sioux;	Dismissed by Parties.	
12/13/90	86-575	Navajo;	Stipulated Settlement.	$909,221.
02/28/91	75-010	Duncan, Mabel; Termination of Rancheria; Adequacy of Water and Sanitation Facilities	Stipulated Settlement; Recorded with Court Order, 22 Cl.Ct. 615, 91/02/28.	$70,000 + Housing
04/10/91	90-0093	Sankey, Madeline; Valuation of Oil and Gas Sold under Lease	Dismissed by Court, 22 Cl.Ct. 743, 04/09/91; Affirmed, 951 F.2d 1266, 12/11/91.	
04/15/91	90-3875	Cook Inlet Housing [HUD]; Contract Subsidy	Dismissed by Plaintiff.	

ENTRY	CASE #	[AGENCY]; MATTER	DISPOSITION	AWARD
06/10/91	87-660	San Ildefonso;	Stipulated Settlement.	$299,500
08/22/91	90-0553	Catawba; Effects of Catawba Assets Distribution Act	Dismissed by Court, 24 Cl.Ct. 24, 08/20/91; Affirmed, 982 F.2d 1564, 01/06/93; Cert. Denied, 509 US 904, 06/21/93.	
08/30/91	89-191	Abel, Charles;	Dismissed by Court.	
02/28/92	85-735	Oglala Sioux; Management of Loan Assets	Stipulated Settlement.	$299,999
05/15/92	89-229	Salt River Pima-Maricopa; Management of Tribe's Water Resources	Dismissed by Court, 26 Cl.Ct. 201, 05/11/92.	
05/22/92	90-3897	Pottawatomi in Canada; Unpaid Treaty Annuities	Dismissed by Court; Reconsideration Denied, 27 Fed.Cl. 388, 12/14/92.	
06/25/92	92-0040	Gardner, Evelyn; Method of Valuing Oil and Gas Sold (Case Related to 85-053)	Dismissed by Court.	
07/15/92	92-0153	Sanders, Chief Silver; Taking of Lands in 19th and 20th Centuries	Dismissed by Court.	
09/15/92	87-020	Anderson, Florence;	Stipulated Settlement.	$149,758

ENTRY	CASE #	[AGENCY]; MATTER	DISPOSITION	AWARD
07/29/93	63-102	Short, Jessie [Hoopa Valley, - Intervenor]; Share of Revenue from Timber Sales (Case Related to 78-460, 85-146, 85-746)	Judgment by Court; Affirmed, 50 F.3d 994, 03/14/95.	$52,360,000 + Interest
07/29/93	78-460	Ackley, Charlene [Hoopa Valley, Intv.]; Income from Resources on Unallotted Lands (Case Related to 63-102)	Judgment by Court; Affirmed, 50 F.3d 21, 03/22/95.	$153,000 + Interest
07/29/93	85-146	Aanstad, Brett [Hoopa Valley, -Intv.]; Income from Resources on Unallotted Lands (Case Related to 63-102)	Judgment by Court; Affirmed, 50 F.3d 21, 03/22/95.	$960 + Interest
07/29/93	85-746	Giffen, Norman [Hoopa Valley, -Intv.]; Income from Resources on Unallotted Lands (Case Related to 63-102)	Stipulated Settlement; Affirmed, 50 F.3d 21, 03/22/95.	$640 + Interest
08/09/93	92-0427	Ute Taking of Tribal Lands by 1849 Treaty	Dismissed by Court, 28 Fed. Cl. 768, 08/06/93.	
08/24/93	92-0783	Balzano, Jeane; Entitlement of Contingent Annuitant	Dismissed by Parties.	
11/03/93	91-1147	Tabbee, Lawanna; Relief from Ute Termination Act	Dismissed by Court Except for Tax Claim, 30 Fed.Cl. 1, 11/03/93.	
12/22/93	88-753	Fort McDowell Mohave-Apache;	Dismissed by Parties.	

ENTRY	CASE #	[AGENCY]; MATTER	DISPOSITION	AWARD
01/19/94	90-3872	Penobscot;	Dismissed by Parties.	
09/16/94	89-169 89-170	Fort Mojave; Colorado River; Representation in Earlier Legal Proceeding	Dismissed by Court, 32 Fed.Cl. 29, 09/09/94; Affirmed, 64 F.3d 677, 08/18/95.	
09/16/94	94-0021	Wright, Venoia; Leasing and Permitting of Allotted Land	Dismissed by Court, 32 Fed.Cl. 54, 09/13/94; Appeal Dismissed, 48 F.3d 1235, 02/03/95.	
11/07/94	94-0026	Gosuk, Jack; Protection of Interests in Reindeer Herd	Dismissed by Parties.	
11/14/94	93-0338	Goombi, Dorla; Contamination of Drinking Water	Dismissed by Parties and Court.	
11/29/94	86-409	Crow;	Dismissed by Parties; Appeal Dismissed, 53 F.3d 347, 04/14/96.	
04/06/95	95-0270	Sherer, Rowa; Dissatisfaction with District Court Action	Dismissed by Court.	
05/10/95	93-199	Allred, Stuart [DHHS]; Termination of Indian Health Service Care	Dismissed by Court, 33 Fed.Cl. 349, 05/09/95; Appeal Dismissed, 78 F.3d 602, 01/30/96.	
07/14/95	92-0567	Flathead Joint Board; Management of Power Project	Dismissed by Parties.	

ENTRY	CASE #	[AGENCY]; MATTER	DISPOSITION	AWARD
12/12/95	94-1051	Dakota Tribal Industries [GSA]; Desire to Reform Contract, Contract Disputes Act	Dismissed by Court, 34 Fed.Cl. 593, 12/05/95.	
05/31/96	92-0130	Seldovia Native Association; Availability of Land for Selection	Dismissed by Court, 35 Fed.Cl. 761, 05/30/96; Affirmed, 144 F.3d 769, 05/14/98.	
02/05/97	94-0449	Nambe; Actions in Leasing Restricted Lands	Stipulated Settlement.	$77,500
03/05/97	95-0449	Pit River; Taking of Gravel from Trust Property	Stipulated Settlement.	$20,000
10/15/97	95-0136	Navajo; Royalties on Coal Leases	Stipulated Settlement.	$3,572,000
10/31/97	96-0116	Herrera, Matthew; "Bad Man" Clause in Treaty,	Dismissed by Court, 39 Fed.Cl. 419, 10/31/97; Affirmed, 168 F.3d 1319, 08/06/98.	
12/10/97	96-0270	Davis, Presley; Management of Indian Money Account (Case Related to 97-0099)	Stipulated Settlement.	$40,000
12/10/97	96-0270	Davis, Wesley; Management of Indian Money Account *(Case Related to 97-0099)*	Stipulated Settlement.	$40,000

ENTRY	CASE #	[AGENCY]; MATTER	DISPOSITION	AWARD
12/10/97	97-0099	Toledo, Lucy; Management of Indian Money Account (Case Consolidated with 96-0270)	Stipulated Settlement.	$45,000
04/30/98	87-247	Cheyenne-Arapaho; Management of Oil and Gas Leases	Stipulated Settlement.	$1,100,000
09/03/98	97-0033	Kanag'Iq Construction [DHHS]; Contract Costs, Contract Disputes Act	Stipulated Settlement	$25,000
09/30/98	84-320 84-321	Hopi; Land Damage from Trespassing Livestock (Case Related to 84-319)	Dismissed by Parties and Court Order.	
11/18/98	91-1650	Delgado, Shirley; Royalties on Oil and Gas Lease	Stipulated Settlement.	$100,000
01/12/99	87-773	Assiniboine and Sioux; Management of Trust-Fund Accounts	Stipulated Settlement.	$4,438,770 + Interest
02/09/99	91-1428	Utah Dineh Committee; Distribution of Mineral Royalties	Dismissed by Parties.	
03/15/99	91-0878	Huna Totem Corp. [USDA]; Sharing of Costs of Timber Transportation	Stipulated Settlement.	$225,000
04/15/99	77-112	Jicarilla Apache; Management of Oil and Gas Leases	Dismissed by Parties.	

ENTRY	CASE #	[AGENCY]; MATTER	DISPOSITION	AWARD
08/07/99	90-3993 91-1432 92-0173	Karuk; Ammon, Carol; Yurok; [Hoopa Valley, -Intv., in Each]; Taking of Property Interests	Dismissed by Court, 41 Fed.Cl. 468, 08/06/98 (Summary Judgment to US and Hoopa Valley); Affirmed, 209 F.3d 1366, 04/18/00; Cert Denied, 532 US 941, 03/26/01.	
08/12/99	92-0099	Southern Ute; Protection of Interests in Extracted Coal-Bed Methane	Dismissed by Parties.	
11/19/99	99-0148	White Mountain Apache; Maintenance of Trust Property	Dismissed by Court, 46 Fed.Cl. 20, 11/19/99; Reversed and Remanded, 249 F.3d 1364, 08/29/01; Cert. Granted, 535 US __, 04/22/02.	
01/18/00	97-0804	Piquniq Management [AF]; Contract Costs, Contract Disputes Act	Dismissed by Parties.	
02/04/00	93-0763	Navajo; Management of Coal Lease	Dismissed by Court, 46 Fed..Cl. 217, 02/04/00; Reversed and Remanded, 263 F.3d 1325, 08/10/01; Cert. Granted, 535 US __, 06/03/02.	
03/07/00	84-319 89-651	Hopi, Livestock Trespass Penalties Due (Case Related to 84-320, 84-321)	Dismissed by Parties and Court Order.	
04/19/00	99-0456	Bay View, Inc. [Not Identifiable]; Alaska Native Corporation Revenues	Dismissed by Court, 46 Fed. Cl. 494, 04/19/00; Affirmed, 278 F.3d 1259, 12/03/01; Petition for Cert., 06/20/02.	

ENTRY	CASE #	[AGENCY]; MATTER	DISPOSITION	AWARD
05/25/00	99-0145	Goombi, Dorla; "Bad Man" Clause in Treaty	Dismissed by Court.	
05/30/00	91-0898	Brown, Errol; Management of Leases on Allotments	Stipulated Settlement.	$189,693
01/17/01	82-388	Red Lake Chippewa; Management of Land, Timber, and Trust Funds	Dismissed by Parties and Court Order.	
04/03/01	88-699	Colorado River;	Stipulated Settlement.	$62,000
06/05/01	99-0996	Brown, David; Transfer of Real Estate and Lease Interests	Stipulated Settlement.	$55,000
10/10/01	92-0624	Santa Ana; Taking of Land and Minerals for Dam	Dismissed by Parties.	
01/08/02	99-0858	Flying Horse, Velia; Cancellation of Employment Contracts	Dismissed by Plaintiffs.	
01/14/02	00-0412	Olsen, Wilma; Transfer of Land Deed	Dismissed by Parties.	
01/30/02	92-0403	Mescalero Apache; Management of Forest Resources	Stipulated Settlement.	$6,000,000

ENTRY	CASE #	[AGENCY]; MATTER	DISPOSITION	AWARD
06/20/02	96-0269	Warm Springs; Management of Timber Resources	Judgment by Court, Unpublished Decision, 06/20/02.	$13,805,607
07/18/02	96-0768	Kanag'Iq Construction [DHHS]; Contract Costs, Contract Disputes Act	Stipulated Settlement.	$34,000

SOURCES

Statements of the judgments rendered by the U.S. Claims Court or its successor court, the U.S. Court of Federal Claims, during the previous year and transmitted to Congress on the first day of the regular session each year in January by the Office of the Clerk, for the fiscal years ended September 30, 1983 through September 30, 2001, as required by Title 28 Section 791(c), *United States Code*. These were supplemented by a special printout by the Office of the Clerk, U.S. Court of Federal Claims, on August 26, 2002, of judgments rendered October 1, 2001 through August 23, 2002.

Copies of judgment orders issued by the Clerk of Court, October 1, 2001-August 23, 2002.

The plaintiffs' table and the chapter on Indians in the *United States Claims Court Digest*, December 1990 (covering cases reported in Volumes 1-20, *United States Claims Court Reporter)*; June 1999 (covering cases reported in Vols. 21-26, *United States Claims Court Reporter*, and Vols. 27-42, *Federal Claims Reporter)*; January 2002 (covering cases reported in Vols. 43-50, *Federal Claims Reporter*); and subsequent pamphlets through July 25, 2002 (covering cases reported in Vol..51 and Vol. 52 through May 30, 2002), St. Paul: West Group.

Selected decisions and orders of the U.S. Claims Court, the U.S. Court of Federal Claims, the U.S. Federal Circuit Court of Appeals, and the U.S. Supreme Court, published in the *United States Claims Court Reporter* and its successor-in-name, the *Federal Claims Reporter*, Vols.1 through part of Vol. 52, St. Paul: West Group, 1983-July 2002.

Selected decisions and orders of the U.S. Court of Federal Claims, July 1997 through August 23, 2002, published on the Court's Internet website, <http://uscfc.uscourts.gov>.

Selected decisions and orders of the U.S. Claims Court, the U.S. Court of Federal Claims, the U.S. Federal Circuit Court of Appeals, and the U.S. Supreme Court, including unpublished decisions and orders of the Federal Circuit, accessed electronically through Lexis-Nexis, ranging from approximately 1960-Present.

Shepard's Citations, accessed electronically through Lexis-Nexis.

For any case identified as having potential for this table, the paper docket (such dockets stop in mid-1993), kept by the Office of the Clerk, U.S. Court of Federal Claims, and/or the electronic docket (for cases docketed prior to mid-1993 and having any activity subsequent to mid-1993, and for cases docketed subsequent to mid-1993), kept by the Office of the Clerk, U.S. Court of Federal Claims, in the U.S. Courts' PACER (Public Access to Electronic Records) system, accessed from the Internet website of the Court of Federal Claims, <http://uscfc.uscourts.gov>.

If available at the U.S. Court of Federal Claims, for any case identified as having potential for this table, the paper case file kept by the Office of the Clerk. This amounts to receiving files for most cases docketed 1992 or later and quite a few docketed earlier. In addition, several case files under the Court's control were reviewed at the Federal Record Center, National Archives and Records Administration, Suitland MD.

Also, the generous assistance and counsel of deputy clerks in the Office of the Clerk, U.S. Court of Federal Claims, and of librarians in the library for the U.S. Federal Circuit Court of Appeals and the Court of Federal Claims.